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(Original Signature of Member)

109TH CONGRESS  
2D SESSION

**H. R.** \_\_\_\_\_

To amend the National Historic Preservation Act, and for other purposes.

\_\_\_\_\_  
**IN THE HOUSE OF REPRESENTATIVES**

Mr. PEARCE introduced the following bill; which was referred to the  
Committee on \_\_\_\_\_  
\_\_\_\_\_

**A BILL**

To amend the National Historic Preservation Act, and for  
other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “National Historic Pres-  
5       ervation Act Amendments of 2006”.



1 **SEC. 2. DETERMINATION OF ELIGIBILITY.**

2 The text of section 106 of the National Historic Pres-  
3 ervation Act (16 U.S.C. 470f) is amended to read as fol-  
4 lows:

5 “(a) A Federal agency shall not require an applicant  
6 for Federal assistance, licenses, or permits to take into  
7 account the effects of a Federal undertaking that occur  
8 outside the area of potential effects as determined by the  
9 Federal agency in accordance with the regulations imple-  
10 menting this section.

11 “(b) If a State Historic Preservation Officer or a  
12 Tribal Historic Preservation Officer fail to concur within  
13 30 days of receipt of an adequately documented finding  
14 of either ‘no historic properties affected’ or ‘no adverse  
15 effect’, as provided in the regulations implementing this  
16 Act, the applicant or agency may proceed with the under-  
17 taking in accordance with the findings.”.

18 **SEC. 3. ADDITIONAL CRITERIA FOR CERTIFICATION OF**  
19 **LOCAL GOVERNMENTS TO CARRY OUT NA-**  
20 **TIONAL HISTORIC PRESERVATION ACT.**

21 Section 101(c)(1) of the National Historic Preserva-  
22 tion Act (16 U.S.C. 470a(c)(1)) is amended—

23 (1) by striking “and” at the end of subpara-  
24 graph (D);

25 (2) by redesignating subparagraph (E) as sub-  
26 paragraph (F);



1 (3) by inserting after subparagraph (D) the fol-  
2 lowing new subparagraph:

3 “(E) agrees that it shall not use any eligi-  
4 bility determination regarding the inclusion of  
5 property or District on the National Register to  
6 initiate local regulatory requirements unless the  
7 entity provides full due process protection to  
8 the owner or owners of the property or District  
9 through a hearing process; and”;

10 (4) in the matter below the subparagraphs, by  
11 striking “through (E)” and inserting “through (F)”.

12 **SEC. 4. HISTORIC PRESERVATION FUND.**

13 Section 108 of the National Historic Preservation Act  
14 (16 U.S.C. 470h) is amended by striking “2006” and in-  
15 serting “2015”.

16 **SEC. 5. ADVISORY COUNCIL ON HISTORIC PRESERVATION.**

17 (a) MEMBERSHIP.—Section 201 of the National His-  
18 toric Preservation Act (16 U.S.C. 470i) is amended—

19 (1) in subsection (a)(4), by striking “four” and  
20 inserting “seven”;

21 (2) in subsection (b), by striking “(5) and (6)”  
22 and inserting “paragraph (6)”;

23 (3) in subsection (f), by striking “Nine” and in-  
24 serting “Eleven”.



1 (b) FINANCIAL AND ADMINISTRATIVE SERVICES.—

2 Section 205(f) of such Act (16 U.S.C. 470m(f)) is amend-  
3 ed to read as follows:

4 “(f) Financial and administrative services (including  
5 those related to budgeting, accounting, financial reporting,  
6 personnel and procurement) shall be provided the Council  
7 by the Department of the Interior or, at the discretion  
8 of the Council, such other agency or private entity that  
9 reaches an agreement with the Council, for which pay-  
10 ments shall be made in advance or by reimbursement from  
11 funds of the Council in such amounts as may be agreed  
12 upon by the Chairman of the Council and the head of the  
13 agency or, in the case of a private entity, the authorized  
14 representative of the private entity that will provide the  
15 services. When a Federal agency affords such services, the  
16 regulations of that agency for the collection of indebted-  
17 ness of personnel resulting from erroneous payments, pre-  
18 scribed under section 5514(b) of title 5, United States  
19 Code, shall apply to the collection of erroneous payments  
20 made to or on behalf of a Council employee, and regula-  
21 tions of that agency for the administrative control of funds  
22 under sections 1513(d) and 1514 of title 31, United  
23 States Code, shall apply to appropriations of the Council.  
24 The Council shall not be required to prescribe such regula-  
25 tions.”.



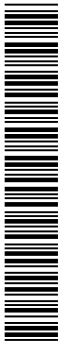
1 (c) AUTHORIZATION OF APPROPRIATIONS.—Section  
2 212(a) of such Act (16 U.S.C. 470t(a)) is amended by  
3 striking “in each fiscal year 1997 through 2005” and in-  
4 serting “for fiscal year 2006, \$5,000,000 for each of the  
5 fiscal years 2007 and 2008, and \$6,000,000 for each of  
6 the fiscal years 2009 through 2015”.

7 **SEC. 6. EFFECTIVENESS OF FEDERAL GRANT AND ASSIST-**  
8 **ANCE PROGRAMS IN MEETING PURPOSES**  
9 **AND POLICIES OF THE NATIONAL HISTORIC**  
10 **PRESERVATION ACT.**

11 The National Historic Preservation Act is amended  
12 by inserting after section 215 (16 U.S.C. 470v–1) the fol-  
13 lowing new section:

14 **“SEC. 216. EFFECTIVENESS OF FEDERAL GRANT AND AS-**  
15 **SISTANCE PROGRAMS.**

16 “(a) COOPERATIVE AGREEMENTS.—The Council may  
17 enter into a cooperative agreement with any Federal agen-  
18 cy that administers a grant or assistance program for the  
19 purpose of improving the effectiveness of the administra-  
20 tion of such program in meeting the purposes and policies  
21 of this Act. Such cooperative agreements may include pro-  
22 visions that modify the selection criteria for a grant or  
23 assistance program to further the purposes of this Act or  
24 that allow the Council to participate in the selection of  
25 recipients, if such provisions are not inconsistent with the



1 statutory authorization and purpose of the grant or assist-  
2 ance program.

3 “(b) REVIEW OF GRANT AND ASSISTANCE PRO-  
4 GRAMS.—the Council May.—

5 “(1) review the operation of any Federal grant  
6 or assistance program to evaluate the effectiveness  
7 of such program in meeting the purposes and poli-  
8 cies of this Act;

9 “(2) make recommendations to the head of the  
10 Federal agency that administers such program to  
11 further the consistency of the program with the pur-  
12 poses and policies of this Act and to improve its ef-  
13 fectiveness in carrying out those purposes and poli-  
14 cies; and

15 “(3) make recommendations to the President  
16 and the Congress regarding the effectiveness of Fed-  
17 eral grant and assistance programs in meeting the  
18 purposes and policies of this Act, including rec-  
19 ommendations with regard to appropriate funding  
20 levels.”.

